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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/657,735	09/08/2003	Peter A. Zuber	EFIM0356.16	8930

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LAW OFFICE OF JAMES TROSINO
92 NATOMA STREET, SUITE 211
SAN FRANCISCO, CA 94105

EXAMINER

GARCIA, GABRIEL I

ART UNIT	PAPER NUMBER
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2625

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/09/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/657,735

Applicant(s)

ZUBER, PETER A.

Examiner

Gabriel I. Garcia

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 November 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08).
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

Part III DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 21-32 are rejected under 35 U.S.C. 102(b) as being anticipated by Stokes (5,881,209).

With regard to claim 21, Stokes teaches a method for calibrating (e.g. fig. 6) a virtual printer (e.g. col. 4, lines 1-24) comprising a plurality of color marking engines (e.g. the printer uses different color using different engines), each of the color marking engines adapted to receive raster image data from a single raster image processor and to generate a multi-color output image (e.g. 5a, clearly the invention deals with multiple color such RGB), the raster image data color balanced to a system color space (e.g. figs. 1-15), the method comprising: printing a test pattern on one of the marking engines, the test pattern comprising a plurality of test patches, each test patch comprising corresponding expected colorimetric values (e.g. col. 2, lines 20-34, col. 6, line 35 thru col. 7, line 21); reading the test pattern with a colorimeter to determine measured colorimetric values associated with each of the test patches (e.g. col. 2, lines 20-34, col. 6, line 35 thru col. 7, line 21); and creating a lookup table that maps the measured

colorimetric values to the expected colorimetric values (e.g. col. 2, lines 36-61, figs. 13-14 and claim 26)..

With regard to claim 22, Stokes further teaches wherein the test patches comprise cyan, magenta and yellow colorants(see figs. 5a-5b).

With regard to claim 23, Stokes further teaches 23 wherein each test patch is associated with a corresponding toner density (e.g. reads on the colorant values of fig. 13).

With regard to claim 24, Stokes further teaches wherein the test pattern comprises 256 test patches per colorant (e.g. col. 8, lines 59-64).

With regard to claim 25, Stokes further teaches wherein the colorimetric values comprise XYZ values (e.g. figs. 5a or 6).

With regard to claim 26, Stokes further teaches a printing a test pattern on each of the marking engines; reading each test pattern with a colorimeter to determine measured colorimetric values associated with each of the test patches (col. 2, lines 20-34, col. 6, line 35 thru col. 7, line 21); and creating a corresponding lookup table for each marking engine, each lookup table mapping the corresponding measured colorimetric values to the expected colorimetric values (col. 2, lines 20-34, col. 6, line 35 thru col. 7, line 21).

With regard to claims 27-32, the limitations of claims 27-32 are covered by the limitations of claims 21-26 above.

Conclusion

2. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Liu et al. (5,956,469) teaches selecting a calibration function for a digital printer which minimizes an error criterion.

3. With regard to Applicant's argument that Stokes'209 does not describe or suggest anything regarding calibrating a virtual printer that includes a plurality of color marking engines, wherein each color marking engine is adapted to generate a multi-color output image. Examiner disagrees with Applicant's conclusion. Examiner asserts that Stokes teaches calibrating a virtual printer (e.g. col. 1 and col. 4, which describes how the color are match or calibrated using real devices or virtual devices) that includes a plurality of color marking wherein each color marking engine is adapted to generate a multi-color output image engines (e.g. clearly fig 5, depicts how the color matching is performed using different color, which inherently teaches that a print engine with different color engines has to be implemented creating a multi color output image),

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gabriel I. Garcia whose telephone number is (571) 272-7434. The Examiner can normally be reached Monday-Thursday from 7:30 AM-6:00 PM. The fax phone number for this group is (571) 273-8300.

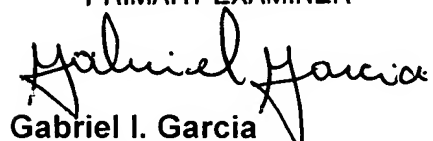
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Street, Alexandria, VA 22314), and facsimile transmissions must be sent to the Central FAX number, unless an exception applies. For example, if the examiner has rejected claims in a regular U.S. patent application, and the reply to the examiner's Office action is desired to be transmitted by facsimile rather than mailed, the reply must be sent to the Central FAX Number.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (571) 272-2600.

GABRIEL I. GARCIA
PRIMARY EXAMINER


Gabriel I. Garcia
Primary Examiner
January 2, 2007